

# Ethics News

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## The Trouble With Ethics

Alan Z. Goodman

Having grown up in Brooklyn during the '50s, I was finally going to get special license plates for my convertible that would brag to the world that I was part of that mythical time and place. I was going to get the old Brooklyn Dodger logo, a big blue "B" in a circle (yes, it is still available) along with the rest of the abbreviation "KLYN."

As my turn at the Motor Vehicle Bureau came up, something possessed me to ask if the license plate ETHICS was available. It was and now my car has ETHICS and a picture of the Statue of Liberty coming and going.

I figured that the ETHICS plates would accomplish two things. First, they would keep people thinking about ethics during a very important activity — driving. Second, they might get potential clients to ask me what the plates meant. I would then tell them about my training consulting and ethics seminars. What I did not figure on was a new and unforgiving driving modality. Never again could I allow myself any of the cathartic behaviors that occasionally transform some of us behind

the wheel. In the past, I tried to drive ethically because it was simply the right thing to do. Now I had saddled myself with the discipline of avoiding hypocrisy.

Many of us "city" motorists believe we can drive anonymously most of the time. When we stop at stop signs, keep a distance between cars, or yield to pedestrians, it is in large measure because we fear that the police are watching.

Driving ethically is more challenging for me because, as a retired 27-year law enforcement veteran, even when someone is watching, I will probably get a warning for any nonserious violations.

It has been about a year now and it has not been easy. It is just a matter of time before stopping for pedestrians where no one has dared to before

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## Unofficial Advisory Opinions

This article briefly reviews questions recently addressed by the Ethics Commission staff. These opinions are not intended as a comprehensive analysis of the issue raised. For more information on whether and how this information may apply in another situation, contact your agency ethics officer or the State Ethics Commission.

### **Opinion I: Conflict of Interest**

**Subject:** The brother of a state employee is asked by his employer to assist in seeking business from the agency where the brother is

employed. The brother who is employed by the state will likely be involved in the decision process.

**Question:** What is the proper course of action for the brother who is the state employee?

**Conclusion:** The brother who is employed by the state should alert his supervisor or his agency ethics officer. The agency is advised to screen the brother from the decision process.

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# Opinions

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## Opinion II: Moonlighting

**Subject:** An investigator for a state agency serves as an unpaid official for a non-profit organization.

**Question:** Since the work for the non-profit organization is strictly voluntary, is there any problem with the employee working on a complaint involving a donor to the non-profit organization?

**Conclusion:** There is a problem. The moonlighting rule (40 IAC 2-1-8) prohibits outside activity, whether or not for compensation, that would (among other things) “impair independence of judgment as to official responsibilities.” The employee should alert his supervisor so that a different employee can investigate the case involving the donor.

## Opinion III: Travel Expenses

**Subject:** A state employee is invited to speak at an international symposium. An agency vendor is sponsoring the symposium and intends to pay the state employee’s travel expenses. The employee exercises no discretion with respect to the vendor’s contract in the course of his state duties. In addition, the employee is not being reimbursed by the state for these expenses.

**Question:** May the state employee accept payment of travel expenses from the vendor?

**Conclusion:** Because the employee does not exercise discretion with respect to the vendor, it cannot be reasonably inferred that the payment would influence the employee in his official capacity. 40 IAC 2-1-7(a) does not preclude the employee from accepting such payment of travel expenses. Due to the vendor’s business relationship with the agency, agency approval of the payment before its acceptance by the employee is required under 40 IAC 2-1-7(b).

## Opinion IV: Conflict of Interest/Moonlighting

**Subject:** A state employee is interested in soliciting his fellow agency employees by mail concerning his real estate business. He has

no supervisory responsibilities within his agency.

**Question:** May the employee make this initial contact with his fellow employees?

**Conclusion:** Yes, but to avoid any conflict of interest and a violation of the moonlighting rule, this mailing and other preliminary contact with employees concerning the business must be made outside of working hours and without the use of state resources. This separation of the activity from the employee’s state work activity must be maintained as the employee engages in any follow-up discussions and/or business transactions with recipients of the letter or other prospective clients.

## Fall Classes Open

Ethics Orientation	September 14 9:30 - 10:30 a.m. Room A, CC	October 19 1:30 - 2:30 p.m. Room 6, TC
Ethics for Supervisors	September 15 9:30 - 11:30 a.m. Room 1, CC	October 20 9:30 - 11:30 a.m. Room 1, CC
Ethics for Managers	September 23 9:30 - Noon Room 1, TC	October 26 9:30 - Noon Room 1, TC

Classes are held in either the State Conference Center (CC) or the State Training Center (TC), Indiana Government Center South, 402 W. Washington St., Indianapolis, IN 46204.

To register, contact Mary Hill at (317) 232-3850

## INDOT Employee Fined

A secretary in a District Office of the Indiana Department of Transportation (INDOT), received a civil penalty of \$750 in an agreed settlement approved by the State Ethics Commission late last year. The fine was levied when the secretary admitted to violating the Political Activity and Conflict of Interest rules.

In addition to the fine, the Ethics Commission recommended that a letter of reprimand be placed in the secretary's personnel file.

The secretary had waived her right to a public hearing on November 14 when she proposed the settlement to the Ethics Commission.

The secretary who serves in several political party positions admitted to violating 40 IAC 2-1-7.1(Political Activity) when she sold or attempted to sell raffle tickets to INDOT employees while she and/or the ticket buyer were on duty for the agency. These ticket sales were for at least two different raffles, the proceeds of which benefited one or

more party committees. By selling or attempting to sell tickets on state time, the secretary also violated 40 IAC 2-1-9(g) (misuse of state time).

In addition, the secretary violated 40 IAC 2-1-9(f) (misuse of state resources) when she requested another INDOT employee to make a sign on state time for use at a local festival by a political party and when she used the INDOT fax machine for communications with party headquarters.

### Text of Rules Cited in INDOT Case

#### **Political Activity Rule 40 IAC 2-1-7.1**

Sec. 7.1(a) A state employee shall not engage in political activity including solicitation of political contributions from another employee or any other person when on duty or acting in an official capacity.

(b) This section does not prohibit a state employee from engaging in such activity when not on duty.

(c) A state employee shall not solicit political contributions at any time from:

(1) persons whom the employee knows to have a business relationship with the employee's agency; or

(2) state employees directly supervised by the employee.

#### **Conflict of Interest; prohibitions 40 IAC 2-1-9**

Sec. 9 (f) A state officer or employee shall not make use of state materials, funds, property, personnel, facilities, or equipment for any purpose other than for official state business unless the use is expressly permitted by general written agency, departmental, or institutional policy or regulation, considering the cost and the benefit by such use.

(g) A state officer or employee shall not engage in, or direct others to engage in, work other than the performance of official duties during working hours, except as permitted by general written agency, departmental, or institutional policy or regulation.

# Trouble

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will get me rear-ended (“C’mon, they’re interfering with traffic!”). I had to put a CD player in the car to play calming New Age music when I’m stuck in traffic jams (lest I join the others who are backing up the entrance ramp to escape). I can’t double park, cover a parking meter (to pretend it doesn’t work) or block the curb cuts for wheelchairs. It has gotten so bad that even when the law allows you to park at a fire hydrant if the driver is there, I cannot do it! I can feel the daggers from the disdainful looks. Luckily, everyone goes 10 miles over the limit so I can keep up with traffic and not feel guilty. Twenty miles over and I can see their lips in the rear view mirror, “ETHICS? Ha!”

In reality, I was a fairly courteous driver before the plate change and always hoped that my colleagues

would nail the aggressive drivers. As a veteran police commander, I have long been aware of the relationship between our traffic anarchy and serious accidents.

While many people carped at Mayor Giuliani for the recent zero tolerance campaign on illegal driving, the New York Times reported that traffic deaths were down 37% for the first half of 1998! Now, however, I am more likely to step on the brake than the gas pedal when the light turns yellow. Moreover, I no longer need the threat of a Traffic Department hidden camera to stop me from running the red signal. Thank goodness, I can still use my wife’s car when I really have to get somewhere on time.

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About

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Alan Z. Goodman is a retired NYPD (New York Police Department) executive who is currently a training consultant and seminar presenter. He is an affiliate of the Institute for Global Ethics (IGE). In Mr. Goodman’s “Street Smart Ethics” seminars, participants learn to develop reflexive skills in ethical decision-making. This training uses a behaviorally based instructional design that is analogous to tactical and physical fitness training. Mr. Goodman may be reached by E-mail at [ethicsgood@aol.com](mailto:ethicsgood@aol.com) and by telephone at 718-264-2407.

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*It is an endless and  
frivolous pursuit to act by  
any other rule than the care  
of satisfying our own minds in  
what we do.*

Richard Steele  
(1672-1729)  
English playwright

Visit our web site at:  
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